

Water Well Standards Act

O.C.G.A. § 12-5-120

GEORGIA CODE
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*** Current Through the 2010 Regular Session ***
*** Annotations Current Through October 29, 2010 ***

TITLE 12. CONSERVATION AND NATURAL RESOURCES
CHAPTER 5. WATER RESOURCES
ARTICLE 3. WELLS AND DRINKING WATER
PART 3. WATER WELL STANDARDS

O.C.G.A. § 12-5-120 (2011)

§ 12-5-120. Short title

This part shall be known and may be cited as the "Water Well Standards Act of 1985."

§ 12-5-121. Legislative intent

It is the intent of the General Assembly to provide in this part for the application of standards for the siting, construction, operation, maintenance, and abandonment of wells and boreholes so as to protect the public health and the water resources of this state.

§ 12-5-122. Definitions

As used in this part, the term:

(1) "Abandoned well" means a well or borehole, the use of which has been permanently discontinued, which is in such a state of disrepair that continued use for obtaining ground water or for other useful purposes is impracticable, or from which ground water for useful purposes is not obtainable.

(2) "Aquifer" means a geologic formation, group of formations, or a part of a formation that is capable of yielding water to a well.

(3) "Borehole" means a hole made into the earth's surface and extending at least 50 feet into the earth or at least ten feet below the water table, whichever is greater, with a drill, auger, or other tool for the purpose of: exploring subsurface strata in search of minerals, engineering or geologic data, water for water supply, blasting purposes, or monitoring.

(4) "Capping" or "cap" means the temporary placing of a watertight seal on the upper terminal of a completed well so that no surface pollutants can enter the well.

(5) "Casing" means an impervious durable pipe placed in a well to prevent the walls from caving and to seal off surface drainage or undesirable water, gas, or other fluids to prevent them from entering the well and includes specifically, but is not limited to, the following:

(A) "Liner pipe" which shall mean a well casing installed without driving within a protective casing or open drillhole;

(B) "Protective casing" which shall mean the permanent casing of the well; and

(C) "Temporary casing" which shall mean a temporary casing placed in soft, sandy, or caving subsurface formations to prevent the hole from caving during drilling.

(6) "Construction" means all acts necessary to construct a well or borehole for any intended purpose or use, including locating and drilling and the installation of pumps and pumping equipment.

(7) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water, in excess of naturally occurring levels.

(8) "Corehole" means a borehole made into the earth's surface and extending at least 50 feet into the earth or at least ten feet below the water table, whichever is greater, with a hollow drill to sample a cylindrical section of the earth's strata beneath the surface of the land or water.

(9) "Council" means the State Water Well Standards Advisory Council.

(10) "Dewatering well" means any well withdrawing 100,000 gallons of ground water or less on any one day in order to remove ground water from the vicinity of an excavation and which extends at least 50 feet into the earth or at least ten feet below the water table, whichever is greater.

(11) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources, State of Georgia, or his designee.

(12) "Division" means the Environmental Protection Division of the Department of Natural

Resources, State of Georgia.

(13) "Driller" means any person who engages in drilling or drilling operations and the installation of pumps and pumping equipment. Driller shall not include a person who only installs, services, and repairs pumps and pumping equipment.

(14) "Drilling" or "drilling operation" means creating an excavation, well, borehole, or corehole by coring, boring, jetting, digging, driving, or otherwise constructing for any intended purpose or use, including locating, testing, or withdrawing ground water which is intended or usable as a source of water supply.

(15) "Engineering borehole" means a borehole for which the primary purpose is to collect data for engineering design.

(16) "Filled, sealed, and plugged" means the placing of impervious material when appropriate in the well or borehole to prevent pollutants from entering the subsurface strata or water-bearing formations from the surface, to conserve the aquifer yield or artesian head, or to eliminate physical hazards.

(17) "Geologic borehole" means any borehole not regulated under the authority of Part 2 of Article 2 of Chapter 4 of this title for which the primary purpose is to collect data for geologic, geophysical, or mineral resource evaluations.

(17.1) "Geothermal borehole" means any hole in the earth which is drilled for the purpose of installing piping for heating and air conditioning systems through which water, antifreeze, water mixtures, freon, or other media are circulated to exchange heat with the earth for the purpose of heating or cooling, or both.

(18) "Ground water" means water of underground streams, channels, artesian basins, reservoirs, lakes, and other water under the surface of the earth, whether public or private, natural or artificial, which is contained within, flows through, or borders upon this state or any portion thereof, including those portions of the Atlantic Ocean over which the state has jurisdiction.

(19) "Individual water well" means any well constructed for the purpose of obtaining ground water to supply water appurtenant to a single-family dwelling and intended for domestic use, including, but not limited to, household purposes, farm livestock, or gardens.

(20) "Industrial well" means any well constructed for the purpose of withdrawing 100,000 gallons of ground water or less on any one day for processing or cooling water or for purposes other than drinking water.

(21) "Irrigation well" means any well constructed for the purpose of obtaining ground water to supply irrigation water for agriculture, silviculture, golf courses, fish farms, and land beautification, but excluding single-family irrigation of lawns or gardens.

(22) "Monitoring well" means any well for which the primary purpose is to collect data for hydrologic, geohydrologic, or ground water quality or quantity evaluations.

(23) "Nonpublic water well" means any well constructed as a source of water supply for a water system which provides piped water to the public for human consumption, if such system has less than 15 service connections or regularly serves less than 25 individuals, excluding individual water wells.

(24) "Person" means any individual, partnership, association, trust, firm, corporation, county, municipality, or other entity, including the state and the federal government.

(25) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial wastes, municipal wastes, agricultural wastes, or any other wastes or substances that do not naturally occur in the aquifer.

(26) "Professional engineer" means a person registered to practice professional engineering in the State of Georgia in accordance with Chapter 15 of Title 43.

(27) "Professional geologist" means a person registered to practice as a geologist in the State of Georgia in accordance with Chapter 19 of Title 43.

(27.1) "Pump contractor" means any person who engages in the business of installing, servicing, or repairing pumps and pumping equipment for water wells but who is not a driller or water well contractor.

(28) "Seismic shot hole" means any borehole in which explosives are detonated for the purpose of seismic investigations.

(29) "Under the direction of a professional geologist or professional engineer" means that a professional geologist or professional engineer has reviewed well or borehole drilling, construction, and abandonment plans or criteria and has provided instructions to the driller as to how the well or borehole is to be drilled, constructed, or abandoned.

(30) "Water table" means, exclusive of perched conditions, the shallowest permanent occurrence of ground water.

(31) "Water well" means any excavation which is cored, bored, drilled, jetted, dug, or otherwise constructed for the purpose of locating, testing, or withdrawing ground water and which is intended or usable as a source of water supply for individual homes, farms, irrigation, industrial processes, public water systems, or nonpublic water systems.

(32) "Water well contractor" means any person engaging in the business of constructing water wells and installing pumps and pumping equipment. Water well contractor shall not include a person who only installs, services, and repairs pumps and pumping equipment.

(33) "Well" means any excavation in which the vertical dimension exceeds the horizontal dimension that is bored, cored, drilled, dug, jetted, or otherwise constructed for the purpose of locating, testing, or withdrawing ground water; or for evaluating, testing, developing, draining, or recharging ground water reservoirs or aquifers; or for the exploration, evaluating, testing, or developing of minerals; or which causes the movement of water from or into any aquifer or subsurface strata; and shall include engineering and geologic boreholes.

§ 12-5-123. Creation of council; membership; chairperson; meetings; majority vote; quorum; director as secretary; self-governance; reimbursement for expenses; Attorney General to provide legal services

(a) The State Water Well Standards Advisory Council is created. The council shall be composed of the following:

(1) A member appointed by the Governor from the public at large, who shall not be in any way connected with the well drilling industry. The member representing the public on July 1, 2001, shall continue to serve in this position from July 1, 2001, to June 30, 2002;

(2) A member appointed by the commissioner of natural resources. The member appointed by the commissioner of natural resources serving on July 1, 2001, shall continue to serve in this position until June 30, 2002;

(3) A member appointed by the Governor representing the farming industry. The member representing the farming industry on July 1, 2001, shall continue to serve in this position until June 30, 2003;

(4) Four members representing the water well drilling industry appointed by the Governor who shall be licensed and practicing drillers. The members who are water well drillers serving on July 1, 2001, shall continue to serve in these positions until June 30, 2002, at which time the Governor shall appoint two members to terms ending June 30, 2003; one member to a term ending June 30, 2004; and one member to a term of office ending June 30, 2005. The members serving on such date shall be eligible for reappointment; and

(5) A member appointed by the Governor who is a registered professional geologist or registered professional engineer. The member who is a registered professional geologist or registered professional engineer serving on July 1, 2001, shall continue to serve in such position until June 30, 2004.

(b) The successor to each member appointed pursuant to the provisions of subsection (a) of this Code section shall be appointed for a term of three years, and the Governor shall fill any vacancy in the council, except for the member appointed by the commissioner of natural resources, with each successor appointed in the same manner as his predecessor.

(c) At the first meeting of the council held in each calendar year, the council shall elect a chairperson who shall serve for one year, adopt rules of procedure, and develop a work plan. The chairperson may be reelected in subsequent years by the council. A vacancy in the position of chairperson shall be filled by vote of the council.

(d) The council shall meet at such times and at such designated places as it may determine but shall hold at least three regular meetings each year. An affirmative vote of a majority of the members present shall be necessary to transact business. Four members shall constitute a quorum.

(e) The director or his designee shall be the secretary of the council and, in addition to his duties as prescribed by law, shall perform such other administrative duties as may be prescribed by the council. Except as provided in this part, the council shall provide by rule and regulation for its own government. Members of the council shall serve without compensation but shall receive the same expense allowance as that received by members of the General Assembly and the same mileage allowance for the use of a personal car as that received by all other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier within the state. Any councilmember shall also be reimbursed for any conference or meeting registration fee incurred in the performance of his duties as a councilmember. For each day's service outside of the state as a councilmember, such member shall receive actual expenses as an expense allowance as well as the same mileage allowance for the use of a personal car as that received by other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier or by rental motor vehicle. Expense vouchers submitted by members of the council are subject to approval of the director or his designee.

(f) The Attorney General shall provide legal services for the council.

§ 12-5-124. Powers and duties of council generally

In carrying out this part, the council shall have the following powers and duties:

(1) To adopt and amend rules and regulations which may be reasonably necessary to govern the licensing of water well contractors and the regulation of proceedings before the council and to carry out such other powers and duties assigned to the council under this part. The council and all of its rules, regulations, and procedures are subject to and shall comply with the provisions of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act";

(2) To pay into the state treasury all fees and moneys received by it;

(3) To adopt and have an official seal;

(4) To set the amount of all fees required by this part;

(5) To license water well contractors and certify pump contractors;

(6) To review the effect and practicality of standards set up in this part and recommend to the General Assembly adjustments and changes to achieve the purposes of this part;

(7) To review and recommend to the General Assembly any legislation which would improve the quality of relations between the water well drilling industry and the public; and

(8) To conduct hearings and institute and prosecute court actions as may be necessary to enforce compliance with any provisions of this part and any rules and regulations promulgated pursuant to this part that relate to water wells.

§ 12-5-125. License requirement; drilling under direction of professional geologist or engineer

Except as provided in subsection (f) of Code Section 12-5-127, no person shall drill a water well or geothermal borehole without first having a water well contractor's license issued by the council. No person, including licensed water well contractors, shall drill any kind of well, borehole, or corehole, other than a water well or geothermal borehole, unless such person is acting under the direction of a professional geologist or a professional engineer.

§ 12-5-126. Director as administrative agent; administrative duties of division; orders, notices, and processes

(a) The director or his designee shall act as the administrative agent for the council.

(b) The division shall have the duty to bring together and keep all records of the council; to receive all applications for licenses; to schedule a time and place for examinations, with the consent of the council; to schedule a time and place for all hearings; to issue certificates upon authority of the council; and to collect all fees and to remit them to the state treasury.

(c) All orders and processes of the council shall be signed and attested by the director or his designee, and any notice or legal process necessary to be served upon the council may be served upon the director.

§ 12-5-127. Licensing of water well contractors generally; applications for trainee licenses; violation of Code section

(a) Any person desiring to engage in the business of water well construction in this state shall apply to the council for a license as a water well contractor. All such applications shall be made on forms provided by the division and shall be accompanied by a fee to be prescribed by the council but not exceeding \$400.00 per license period.

(b) An applicant for a license as a water well contractor shall be required to have two years' experience working in the water well construction business under a licensed water well contractor and shall be required to pass an examination administered by the council. The examination may be written, oral, or practical work, or any combination of the three. The examination shall relate to the applicant's knowledge of basic ground water, basic well construction, and the general contents of this part.

(c) Satisfactory proof of two years' experience in the water well construction business shall be made by presenting certified affidavits from one or more licensed water well contractors that the applicant has had at least two years of full-time water well construction experience. If the required experience was obtained under two or more licensed water well contractors, then a certified affidavit specifying exact dates of such experience shall be required from each licensed contractor. In lieu of the method described above, an applicant may present other proof satisfactory to the council of two years' experience constructing water wells. The council may require the applicant and the water well contractors who swear to such affidavits to appear before the council to discuss the applicant's qualifications.

(d)(1) Any person wishing to engage in the water well construction business shall designate himself or herself or at least one partner, officer, or full-time employee to fulfill the above requirements. If the requirements are satisfactorily fulfilled, the person shall be granted a license under this part, and such license shall cover water well construction activities for which the person is responsible and so licensed. The partners, officers, and employees of the person shall be allowed to engage in the activities covered by the license if the individual who fulfilled the licensing requirements has performed or approved such activities and such approval is posted at the site of the activity on forms to be provided by the council for that purpose. Any such license shall be valid so long as the designated partner, officer, or full-time employee is associated with the licensee or until it otherwise expires.

(2) The provisions of paragraph (1) of this subsection notwithstanding, the water well construction activities of the partners, officers, and employees of the individual who fulfilled the licensing requirements shall continue to be authorized under a license which was valid at the time of the licensee's death for a period of 180 days following the date of such death.

(e) The council, upon application, may issue an appropriate license to any person who holds a similar license in any state, territory, or possession of the United States, if the requirements for the license do not conflict with this part and are of a standard not less than that specified by this part and by rules and regulations promulgated under this part; provided, however, that such other state, territory, or possession grants similar reciprocity to license holders in this state.

(f) Nothing in this Code section shall be construed to require the registration of a person who constructs a well on his or her own or leased property intended for use only in a single-family house which is his or her permanent residence or intended for use only for farming purposes on

his or her farm, which well produces less than 25,000 gallons per day, so long as the waters to be produced are not intended for use by the public or in any residence other than his or her own.

(g) The State of Georgia preempts the field of licensing water well contractors. Licenses issued by the council shall authorize bona fide holders thereof to engage in the business authorized by such licenses anywhere within the territorial limits of the state. No provision of this part shall be construed as prohibiting or preventing a municipality or county from fixing, charging, assessing, or collecting any business license fee, registration fee, tax, or gross receipt tax on any profession covered by this part or upon any related profession or anyone engaged in any related profession governed by this part.

(h)(1) The council shall be authorized to require persons seeking renewal of licenses under this Code section to complete continuing education of not more than four hours annually. The council may provide courses and shall approve such courses offered by the division, institutions of higher learning, technical colleges, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to water well construction or standards provided or conducted by public utilities, equipment manufacturers, or institutions under the State Board of Technical and Adult Education shall constitute acceptable continuing professional education programs for the purposes of this subsection. Continuing education courses or programs shall be in the areas of safety, environmental protection, ground-water geology, technological advances, business management, or government regulation. Continuing education courses shall be designed for water well contractors having variable educational backgrounds. Courses or programs conducted by manufacturers specifically to promote their products shall not be approved.

(2) All provisions of this subsection relating to continuing professional education shall be administered by the council.

(3) The council shall be authorized to waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the council deems appropriate.

(i) No license shall be granted unless the council specifically authorizes the granting of such license. Staff members of the council may not issue licenses without the specific authorization of the council.

(j) Any person who violates the provisions of this Code section with regard to licensing shall not be eligible to apply for or receive a license under this Code section for a period of two years after being convicted of such violation.

§ 12-5-128. Contents of license; display

(a) The licenses granted under Code Section 12-5-127 shall contain the name of the contractor, date of issuance, expiration date, license number, and the official designation or

symbol of the council, together with the signatures of the council chairman and the chief administrative officer of the council. This license shall be displayed in a conspicuous place at the operator's principal place of business.

(b) All rigs and commercial vehicles used by water well contractors in well construction operations shall prominently display on each rig or vehicle the name of the contractor and shall likewise display the appropriate water well contractor's license number.

§ 12-5-129. Suspension and revocation of licenses; hearings; reissuance of revoked licenses; injunction; cessation of well operation; seizure of equipment

(a) The council may suspend or revoke a license upon a finding of one or more of the following grounds:

(1) Material misstatement in the application for license;

(2) Willful disregard or violation of Code Section 12-5-133 or any law of the State of Georgia relating to wells, including any violation of standards or rules adopted pursuant to this part;

(3) Willfully aiding or abetting another in the violation of Code Section 12-5-133 or any law of the State of Georgia relating to wells;

(4) Incompetency in the performance of the work of a water well contractor;

(5) Making substantial misrepresentations or false promises in connection with the occupation of a water well contractor;

(6) Failure to provide and maintain on file at all times with the director a performance bond or irrevocable letter of credit as required by Code Section 12-5-135; and

(7) Allowing an unlicensed driller to use or to work under such licensee's license in any way. However, this paragraph shall not apply to any employee of a licensed driller who receives only a salary or hourly wage or a bona fide business partner.

(b) The council shall have power and authority to hear and determine all complaints of violations of this part and the regulations pursuant thereto, filed with the council by any interested party, after first giving the person against whom the complaint is filed at least ten days' written notice of the time and place of hearing, together with a copy of the complaint filed against such person. Hearings will be conducted according to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." If, upon the hearing, the council deems such complaint meritorious, the council may, in its discretion, suspend or revoke the license of the person against whom the complaint is filed or may allow the person a reasonable time in which to meet and correct the complaint of the objecting party. Suspensions or revocations of licenses shall be conducted according to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

(c) The council, by majority vote of the quorum, may reissue a license to any person whose license has been revoked upon written application to the council by the applicant, showing good cause to justify the reissuance.

(d) Whenever it shall appear to the council that any person is or has been violating any provisions of this part or any of the lawful rules, regulations, or orders of the council, the council or the appropriate district attorney may file a petition for injunction in the appropriate superior court of this state against such person, for the purpose of enjoining any such violation. It shall not be necessary to allege or prove that there is no adequate remedy at law. The right of injunction provided for in this Code section shall be in addition to any other legal remedy which the council has and shall be in addition to any right of criminal prosecution provided by law.

(e) The director shall be authorized to order the cessation of operation of any well operated in violation of this part and the seizure of all drilling equipment used in such drilling operation; provided, however, that the operator of any such drilling operation shall be afforded a hearing before the administrative law judge of the Department of Natural Resources on such order of the director within 48 hours.

§ 12-5-130. Expiration and renewal of licenses; replacement of lost, destroyed, or mutilated licenses

All licenses expire biennially. All applications for renewal shall be filed with the division prior to the expiration date, accompanied by a renewal fee not exceeding \$400.00 per renewal period as prescribed by the division. A license which has expired for failure to renew may be restored only after application and payment of the prescribed restoration fee. A new license to replace any license lost, destroyed, or mutilated may be issued, subject to the rules of the council and payment of a fee set by the council.

§ 12-5-131. Notifying contractors of changes in rules and regulations

The council may from time to time amend its rules and regulations governing water well contractors. The council will notify each water well contractor on the official list of licensed water well contractors of any changes in the rules and regulations prior to the effective date of the changes. This notification or lack thereof will in no way affect the effective date of the changes in the rules and regulations.

§ 12-5-131.1. Licensing requirements for drilling well on own property; water well contractors completing electrical or plumbing work incidental to drilling and construction of well

(a) Nothing in this part shall prohibit a person from drilling a well on his or her own property if such property is his or her primary residence. A person is prohibited from drilling a well or wells on property he or she owns and is developing for resale unless such person has a license as a water well contractor.

(b) Notwithstanding any other provisions of law, a person licensed as a water well contractor pursuant to Code Section 12-5-127 is not required to be licensed under Chapter 14 of Title 43, when in the course of constructing a water well, he or she makes certain electrical or plumbing connections or performs other electrical or plumbing work incidental to the drilling and construction of the well; provided, however, that any such electrical and plumbing work meets or exceeds all applicable local, state, or federal codes, whichever is most stringent.

§ 12-5-132. Effect of part

(a) Nothing in this part shall affect oil and gas drilling operations covered by Part 2 of Article 2 of Chapter 4 of this title.

(b) Nothing in this part shall affect the regulation of ground-water use by the division pursuant to Part 2 of this article.

§ 12-5-133. Penalty; confiscation of equipment; evidence of violation of part

(a) Any person who engages in or follows the business or occupation of, or advertises, holds himself or herself out, or acts, temporarily or otherwise, as a water well contractor without having first secured the required license or renewal thereof or any person who otherwise violates any provisions of this part shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100.00 and not more than \$1,000.00. Each day during which such violation exists or continues shall constitute a separate offense. In addition to or in lieu of any fine imposed for acting without the required license, any person violating any provision of this part may have his or her drilling rigs and commercial vehicles confiscated in accordance with Code Section 12-5-137.

(b) In order to prove a violation of this part, it shall not be necessary for a state or local enforcement official to actually observe a well being drilled by a person who does not possess a valid license as required by this part. Other evidence of a violation of this part, including, but not limited to, bills, invoices, photographs, proposals, or any form of advertising, may be sufficient for a conviction.

§ 12-5-133.1. Civil penalties; hearing

(a) In addition to the provisions of Code Section 12-5-133, any person violating any provision of this part or the rules or regulations effective under this part shall be liable for a civil penalty not to exceed \$5,000.00 per day. Each day during which the violation or failure or refusal to comply continues shall be a separate violation.

(b) Whenever the director has reason to believe that any person has violated any provision of this part or any rule or regulation effective under this part, he or she may upon written request cause a hearing to be conducted before a hearing officer appointed by the board. Upon finding that such person has violated any provision of this part or any rule or regulation effective under this part, the hearing officer shall issue his or her decision imposing civil penalties as provided in this Code section. Such hearing and any administrative or judicial review thereof shall be conducted in accordance with subsection (c) of Code Section 12-2-2.

(c) In rendering a decision under this Code section imposing civil penalties, the hearing officer shall consider all factors which are relevant, including, but not limited to, the following:

(1) The amount of civil penalty necessary to ensure immediate and continued compliance and the extent to which the violator may have profited by failing or delaying to comply;

(2) The character and degree of impact of the violation or failure on the natural resources of the state, especially any rare or unique natural phenomena;

(3) The conduct of the person incurring the civil penalty in promptly taking all feasible steps or procedures necessary or appropriate to comply with this part or to correct the violation or failure;

(4) Any prior violations of or failures by such person to comply with statutes, rules, regulations, or orders administered, adopted, or issued by the director or the council;

(5) The character and degree of injury to or interference with public health or safety which is caused or threatened to be caused by such violation or failure; and

(6) The character and degree of injury to or interference with reasonable use of property which is caused or threatened to be caused by such violation or failure.

§ 12-5-134. Standards for wells and boreholes

The following standards shall apply to all wells and boreholes:

(1) In the case of individual and nonpublic water wells:

(A)(i) The well should be located as far removed, and in a direction opposite to the ground-water flow, from known or potential sources of pollutants as the general layout of the

premises and surroundings permits; however, prior to actual construction, the water well contractor shall notify the county health department of the intent to drill a water well, providing such information as is required on forms prepared by the council. The well shall not be located in areas subject to flooding unless the well casing extends at least two feet above the level of the highest known flood of record. Except as otherwise provided in division (ii) of this subparagraph, all new wells must be located at least the following horizontal distances from the following structures:

- (I) Not less than ten feet from a sewer line;
- (II) Not less than 50 feet from a septic tank;
- (III) Not less than 100 feet from a septic tank absorption field;
- (IV) Not less than 150 feet from a cesspool or seepage pit; and
- (V) Not less than 100 feet from an animal or fowl enclosure.

(ii) Any property owner may apply to the health department for a variance of the distances cited in this subparagraph due to extenuating circumstances. The owner shall provide for the health department written information explaining the need for a variance. The health department, upon considering the information provided and any other information it deems necessary, may issue a variance;

- (B) Every well shall be protected against surface runoff;
- (C) Every well shall be located so it will be accessible for cleaning, treatment, repair, testing, inspection, and such other maintenance as may be necessary;
- (D) Water-bearing formations that are or are likely to be polluted shall be sealed off;
- (E) No material shall be used in the well that will result in the delivered water being hazardous, toxic, or having objectionable taste or odor;
- (F) Materials that are to be a part of the permanent well shall be durable and sufficient to protect the well against structural deficiencies during and after the construction and against the entrance of pollutants during the expected life of the well;
- (G) The casing and liner pipe joints shall be watertight to the point of maximum drawdown in bored or driven wells and the entire length of the casing in drilled wells;
- (H) The alignment in a drilled well shall be such that the installation and operation of the pump will not be impaired;
- (I) All drill cuttings and other materials shall be removed from the entire depth of the well and the well shall be disinfected;

(J) The upper terminal of the well shall be protected by a sanitary seal or cover to prevent entrance of pollutants to the well;

(K) Any existing abandoned well or borehole shall be filled, sealed, and plugged by the present owner;

(L) The drilling contractor shall maintain in his or her office and shall furnish the owner a copy of the well construction data within 30 days of the well completion. The data shall include: name of the owner of the well, location of the well, size of pump installed if pump is installed by the drilling contractor, total depth of well, borehole diameter, casing depth, size and type of casing material, grouting information, static water level, pumping water level and yield if test pumped, confirmation of well disinfection and description of method used for disinfection, dates of well construction, name and address and state certificate number of pump installer if the contractor does not install the pump, name and address of contractor, and water well contractor's license number. Any estimate of gallons per minute of water that the well is expected to produce shall not be considered under any circumstances to be a guarantee of the quantity of the water produced by the well. The failure of any water well contractor to provide any of such written information shall subject such contractor to any applicable penalty by the council;

(M) A well having an open annular space between the casing and borehole shall be grouted and shall be filled with neat or sand-cement grout or other impervious material to prevent the entrance of pollutants or contaminants to the well. The following shall be considered minimum depths of seal below ground surface:

- (i) Individual wells -- ten feet;
- (ii) Nonpublic wells -- 25 feet in igneous or metamorphic rock; and
- (iii) Nonpublic wells -- 50 feet in sedimentary rock.

For large diameter water wells cased with concrete pipe or other acceptable casing material, if the casing joints are not sealed, the annular space shall be grouted as specified above, and the annular space below the grout shall be filled with sand or gravel;

(N) All permanent casing, liners, and other manufactured material used in the well installation shall be new, unless otherwise approved in writing by the owner, and adequate to protect the well against entrance of pollutants or contaminants during the expected life of the well. The casing material shall be of steel, plastic, or concrete and meet nationally accepted standards for well casing. Sewer pipe shall not be used for individual or nonpublic water supply wells;

(O) The well screen, when used, shall be of a standard design and manufactured specifically for the purpose of the well construction, shall be of a strength to satisfactorily withstand chemical and physical forces applied to it during and after installation, shall be designed to permit

optimum development of the aquifer with minimum head loss consistent with the intended use of the well, shall have openings designed to prevent clogging or jamming, and multiscreened wells shall not connect aquifers or zones which have differences in water quality that would result in deterioration of the water quality in any aquifer or zone;

(P) All gravel placed in a well to be used as a source of drinking water shall be clean, washed, free of organic matter, disinfected prior to emplacement, or provisions made for disinfection in place. The gravel pack material should consist mainly of silicious, well-rounded, smooth, uniform grain particles and of such size to prevent the formation material from entering the well;

(Q) All individual and nonpublic wells producing water for drinking or food processing shall be disinfected following construction, repair, or when work is done on the pump, before the well is placed in service. The well and pumping equipment shall be disinfected with chlorine applied so that a concentration of at least 50 parts per million of chlorine shall be obtained in all parts of the well with a minimum contact period of two hours before pumping the well; and

(R) All individual and nonpublic wells shall be curbed at the surface by the owner with a watertight curbing of concrete at least four inches thick and extending at least two feet in all directions from the well casing and sloping away from the casing;

(2) All water wells constructed as sources of public water supply for a public water system as defined in Part 5 of this article, the "Georgia Safe Drinking Water Act of 1977," shall be constructed in accordance with the standards and rules and regulations established pursuant to said part;

(3) Irrigation wells shall be constructed in accordance with the standards established for individual and nonpublic wells except that the well does not require disinfection. The minimum depth of the grout seal shall be at least 20 feet below ground surface. Irrigation wells having casing of internal diameter of more than four inches and capable of producing 100,000 gallons of water per day or more shall be constructed only after the division has issued a letter of concurrence or a permit to the landowner;

(4) Industrial wells shall be constructed in accordance with the standards established for individual and nonpublic wells. The minimum depth of the grout seal shall be the same as for nonpublic wells;

(5)(A) Wells and boreholes other than water wells shall be constructed:

(i) So that no toxic or hazardous material is used in or introduced to the borehole;

(ii) So that water-bearing formations that are, or are likely to be, polluted shall be sealed off; and

(iii) To prevent water of different qualities from migrating between zones or aquifers.

(B) Engineering boreholes shall be constructed under the direction of a professional

engineer.

(C) Geologic boreholes shall be constructed under the direction of a professional engineer or a professional geologist.

(D) Monitoring wells shall be constructed under the direction of a professional engineer or a professional geologist and shall be constructed in accordance with the following minimum requirements:

(i) Well casing and well screens that are part of the monitoring well shall be durable and sufficient to protect the well against structural deficiencies during the construction and during the expected life of the well;

(ii) The upper terminal of the monitoring well shall be protected by a sanitary seal or cover to prevent entrance of pollutants to the well;

(iii) All casing and liner pipe joints shall be watertight for the entire length of the casing;

(iv) The annular space around the well casing shall be grouted with impervious materials to prevent the entrance of interformational pollutants after due consideration of the local soil conditions, local geology, and the intended use of the well;

(v) The alignment of the well is such that the well may be pumped or sampled;

(vi) All drilling equipment and tools shall be washed and steam cleaned immediately upon completion of any monitoring well located within 1,000 feet of any operating or abandoned sanitary landfill or hazardous materials facility or within 1,000 feet of any area where hazardous materials are known or believed to have been deposited, spilled, or discharged; and

(vii) At least once every five years, the owner of the property on which a monitoring well is constructed shall have the monitoring well inspected by a professional engineer or professional geologist, who shall direct appropriate remedial corrective work to be performed if the well does not conform to standards.

(E) Dewatering wells to be constructed for the purpose of withdrawing 100,000 gallons or less of ground water on any one day shall be constructed under the direction of a professional engineer or a professional geologist and shall be constructed in accordance with the following minimum requirements:

(i) Well casing and well screens that are a part of the dewatering well shall be durable and sufficient to protect the well against structural deficiencies during the construction and against entrance of pollutants during the expected life of the well;

(ii) The upper terminal of the dewatering well shall be protected by a sanitary seal or cover to prevent entrance of pollutants to the well;

(iii) All casing and liner pipe joints shall be watertight for the entire length of the casing;

(iv) The annular space around the well casing shall be grouted with impervious materials to prevent the entrance of interformational pollutants after due consideration of the local soil conditions and local geology; provided, however, that such grouting shall not be required if dewatering is to be accomplished by well points or a well point field;

(v) The alignment of the well shall be such that the installation and operation of the pump will not be impaired; and

(vi) The dewatering well shall be pumped in a manner and rate to prevent significant loss of strength of nearby soil and rock.

(F) Seismic shot holes shall be constructed under the direction of a professional engineer or a professional geologist and shall be constructed in accordance with the following minimum requirements:

(i) Exclusive of explosives, no toxic or hazardous materials shall be used in or introduced to the shot hole;

(ii) Materials that are to be a part of the seismic shot hole shall be durable and sufficient to protect the seismic shot hole against structural deficiencies during the construction and against entrance of pollutants during the expected life of the seismic shot hole;

(iii) Prior to being charged with explosives, seismic shot holes shall contain temporary seals adequate to prevent the entrance of pollutants to any aquifer;

(iv) Seismic shot holes shall not be charged with explosives more than 24 hours prior to detonation; and

(v) In the event explosives are not detonated within one year after reaching total depth, the seismic shot hole shall have all temporary seals removed and be completely plugged with impervious materials to prevent the entrance of pollutants to any aquifer.

(G) Geothermal boreholes that penetrate into ground water shall be grouted from bottom to top by forced injection using impervious grouting material designed for such purpose. Geothermal boreholes shall be constructed or located at a safe distance from any potential source of contamination. The minimum safe distance from the following sources of contamination shall be:

(i) Ten feet from sewer lines;

(ii) Twenty-five feet from septic tanks;

(iii) Fifty feet from septic drain fields;

(iv) Ten feet from a connection between a house and a septic tank; and

(v) Ten feet from a connection between a house and a sewer line;

(6)(A) A water well shall be considered as temporarily abandoned when its use has been interrupted for a period of more than one year and not more than three years. Such a well shall be sealed and the well maintained whereby it is not a source or a channel of contamination or pollution when not in service.

(B) A water well shall be considered as permanently abandoned when its service has been interrupted for a period of more than three years or it meets the definition of abandoned well as defined in this part. Such a well shall be filled, sealed, and plugged.

(C) Whenever a well or borehole is excavated for the exploration, testing, or use as a source of water supply but is no longer used for that purpose, it shall be the owner's responsibility to have the borehole filled, sealed, and plugged within 30 days of the excavation or disuse to protect against the entrance of pollutants into the subsurface.

(D) No abandoned water well or borehole shall be used for the purpose of disposing of any wastes or pollutants that may contaminate the ground water.

(E) All engineering boreholes, regardless of the depth limitations defined in paragraphs (3) and (8) of Code Section 12-5-122, which are located on property which is being used or is proposed to be used for the storage, manufacture, or processing of petroleum products, hazardous materials, hazardous wastes, industrial or municipal waste water, brines, or any other chemical substances, must be completely filled, sealed, and plugged within 30 days after the total depth is reached. Engineering boreholes which are in locations scheduled to be excavated, covered with pavement, or covered by the concrete foundation or basement of a building within two years after drilling need not be filled, sealed, and plugged. All other engineering boreholes must be filled, sealed, and plugged within 90 days after the total depth is reached. It shall be the responsibility of the person in charge of the borehole construction to ensure proper abandonment.

(F) Geologic boreholes which are in locations scheduled to be mined within two years after drilling need not be filled, sealed, and plugged. Other geologic boreholes shall be filled, sealed, and plugged within 30 days after drilling. It shall be the responsibility of the person in charge of borehole construction to ensure proper abandonment.

(G) Monitoring wells shall meet the requirements of abandonment as defined by this part unless they are declared temporarily abandoned. A monitoring well that is temporarily abandoned shall have a cap placed on it within 15 days of its temporary abandonment. It shall be the responsibility of the owner of the property on which the monitoring well is constructed to ensure proper abandonment of the well.

(H) Seismic shot holes shall be filled, sealed, and plugged within 60 days after the explosives have been detonated. It shall be the responsibility of the person in charge of the shot hole construction to ensure proper abandonment.

(I) Abandoned individual, nonpublic, public, irrigation, and industrial wells shall be filled, sealed, and plugged by a water well contractor licensed by the council.

(J) Abandoned engineering boreholes, geologic boreholes, dewatering wells, monitoring wells, and seismic shot holes shall be filled, sealed, and plugged under the direction of a registered professional geologist or registered professional engineer; and

(7) No well or borehole shall be drilled or used for the purpose of injecting any surface water into the Floridan aquifer in any county governed by the Georgia coastal zone management program provided by Code Section 12-5-327 before July 1, 2014.

§ 12-5-135. Requirement of bond or letter of credit

(a) A performance bond or letter of credit shall be provided to the director by any water well contractor or driller for the conduct of drilling operations to ensure compliance with the procedures and standards contained in this part.

(b) The bond or letter of credit required in subsection (a) of this Code section shall be:

(1) Conditioned upon faithful compliance with the conditions and terms of this part; and

(2) In such amount as determined by the director to ensure compliance with the procedures and standards contained in this part, but in any event not to exceed \$75,000.00.

(c) Such performance bond or letter of credit shall be placed on file with the director in one of the following forms:

(1) A performance bond, payable to the director and issued by an insurance company authorized to issue such bonds in this state; or

(2) An irrevocable letter of credit issued in favor of and payable to the director from a commercial bank or other financial institution approved by the director.

(d) The council shall not issue any new license or renew any old license unless the license application is accompanied by a letter from the director or his designee stating that the applicant's bond or letter of credit is acceptable. Failure to provide an acceptable bond or irrevocable letter of credit shall constitute grounds for denial of the issuance or renewal of a license.

(e) Upon a determination by the director that a water well contractor, driller, or other person responsible for the conduct of the drilling operation has failed to meet the standards as set out in this part, the director may, after written notice of the failure to the contractor, driller, or other

person responsible for the conduct of the drilling operation in accordance with subsections (e) and (f) of Code Section 12-5-136:

(1) Forfeit or draw that amount of such bond or letter of credit that the director determines necessary to correct the violations;

(2) Expend such amount for such purposes;

(3) Enter into contracts for such purposes; and

(4) Require the replacement of that amount of such bond or letter of credit forfeited or drawn upon.

(f) If a business has more than one water well contractor, that business, in lieu of obtaining bonds or irrevocable letters of credit for each individual licensee, may substitute a blanket bond or blanket irrevocable letter of credit for all water well contractors within that business. The blanket bond or blanket irrevocable letter of credit shall be payable to the director in an amount not to exceed \$75,000.00.

(g) The bond or irrevocable letter of credit provided for in this Code section shall have state-wide application.

(h) Upon delivery of the prescribed bond or irrevocable letter of credit to the director, no other bond or irrevocable letter of credit shall be required of any water well contractor or driller for the purposes of protecting the state or any political subdivision of the state or the citizens thereof from water well contractors or drillers who fail to meet the standards as set out in this part or for any other like purpose required by any department, agency, or instrumentality of the state or a political subdivision thereof.

(i) No bond or irrevocable letter of credit provided for in this Code section shall be accepted by the director from any water well contractor or driller who shall drill any well or borehole for the purpose of injecting any surface water into the Floridan aquifer in any county governed by the Georgia coastal zone management program provided by Code Section 12-5-327 after July 1, 2003, and before July 1, 2014.

§ 12-5-136. Compliance with standards and licensing requirements; inspections; action by director if well not up to standard

(a) All water well contractors or other persons drilling boreholes or coreholes are required to conduct their work in a manner that complies with the well construction standards established in this part and are required to be licensed or acting under the direction of a professional engineer or professional geologist as set forth in Code Section 12-5-125.

(b) The director or designated representatives of the division shall conduct inspections of wells

and boreholes of all types to determine compliance with construction standards established in this part. Such inspections may be made in response to requests from the council or from any person who has reason to believe a well or borehole does not comply with the standards. The director may also select wells and boreholes to inspect at random.

(c) The director or designated representatives of the division shall be permitted access in or upon any private or public property at all reasonable times for the purpose of inspecting and investigating conditions of wells, methods of drilling, and records relating to the drilling and abandonment of wells and boreholes.

(d) The director shall report the results of all inspections to the respective driller, contractor, or person responsible for the drilling and to the council.

(e) The director shall notify the driller, contractor, or person responsible for the drilling and the council that a portion of bondedness or line of credit in such amount as necessary to provide corrective action may be assessed if that person does not bring the well or borehole up to the standards described in this part within 30 days.

(f) If a well or borehole is not brought up to the standards described in this part within this 30 day notification period, the director may, upon expiration of the notification period, expend whatever portion of the bond or letter of credit is necessary to hire another contractor to bring the well or borehole up to standards or to construct a new well.

§ 12-5-137. Procedure for confiscation and sale of contraband equipment; defenses

(a) All drilling rigs or commercial vehicles used to drill any well and other equipment used to drill any well by a person who is not a licensed water well contractor or driller or who is not acting under the direction of a professional engineer or professional geologist as required by this part are declared to be contraband subject to forfeiture and confiscation and seizure by any peace officer, who shall forthwith deliver such rigs and equipment to the district attorney whose circuit includes the county in which a seizure is made or to his duly authorized agent within ten days of the seizure.

(b) The district attorney whose circuit includes the county in which the seizure is made, within 30 days after the seizure of any illegal drilling equipment, shall institute proceedings by petition in the superior court of any county where the seizure was made against the property so seized and against any and all persons known to have an interest in or right affected by the seizure or sale of such property. A copy of such petition shall be served upon the owner or lessee of such property, if known, and upon the person or persons having custody or possession of such property at the time of the confiscation or seizure. If the owner or lessee, or person or persons having custody or possession of such property at the time of seizure is unknown, notice of such proceedings shall be published once a week for two consecutive weeks in the newspaper in which sheriff's advertisements of the county are published. Such publication shall be deemed notice to any and all persons having an interest in or right affected by such proceedings and any

sale of the property resulting therefrom. If no defense or intervention shall be filed within 30 days from the filing of the petition, judgment by default shall be entered by the court; otherwise the case shall proceed as in other civil cases. Should the drilling equipment be found to be illegal within the sense of this part, the same shall be decreed to be contraband and ordered sold under such terms as the judge in his order may direct. The proceeds arising from such sale shall be applied:

- (1) To the payment of proper costs and expenses, including expenses incurred in the seizure;
- (2) To the payment of the cost of the court and its officers;
- (3) To the payment of any cost incurred in the storage, advertisement, maintenance, or care of such property; and
- (4) If any money remains, to the general funds of the county.

(c) Where the owner or lessee of any property seized for purpose of condemnation shall abscond or conceal himself so that the actual notice of the condemnation proceedings cannot be served upon him, he shall be served by publication as is provided in this Code section in the case of an unknown owner or lessee.

(d) All proceedings against any alleged illegal drilling equipment for the purpose of condemnation shall be proceedings in rem against the property, and the property shall be described only in general terms. It is the intent and purpose of the procedure provided by this Code section to provide a civil remedy for the condemnation and sale of contraband property.

(e) Any party at interest may appear, by answer under oath, and make his defense. The owner, lessee, security interest holder, or lienholder shall be permitted to defend by showing that the property seized, if illegally used by another, was used without the knowledge, connivance, or consent, expressed or implied, of the owner, lessee, security interest holder, or lienholder. The holder of any bona fide lien on or security interest in the property shall be protected to the full extent of his lien or security interest, respectively; provided, however, that nothing contained in this Code section shall be construed to obligate the district attorney whose circuit includes the county in which a seizure is made beyond the proceeds of any such sale less the actual costs incurred by him.

§ 12-5-138. Council authorized to establish rules and regulations for pump installation; certification requirements; civil penalties for violations

(a)(1)(A) The council is authorized and directed to establish rules and regulations to provide for the certification of pump contractors who install, service, and repair pumps on or in water wells regulated under the provisions of this part and to provide standards for installation of such pumps in order to protect public health and safety. The council shall provide for classes of certificates which distinguish the levels of competencies of certificants to perform various tasks

associated with such services. The council is authorized to establish fees and the director is authorized to charge such fees for such certification and the annual renewal thereof; provided, however, that the fee for the pump contractor shall not exceed the fee for the licensed water well contractor. The director may require any person to meet certain qualifications in order to be eligible for certification as a pump contractor. The director may provide that persons who can document that they have been in the business of installing, servicing, and repairing pumps and pumping equipment prior to December 31, 2003, may be granted a certification by paying the appropriate fees but without any requirement to pass any type of test.

(B) Any person wishing to engage in the business of a pump contractor shall designate himself or herself or at least one partner, officer, or full-time employee to fulfill the above certification requirements. If the requirements are satisfactorily fulfilled, the person shall be granted a certification under this Code section, and such certification shall cover pump contracting activities for which the person is responsible and so certified. The partners, officers, and employees of the person shall be allowed to engage in the activities covered by the certification if the individual who fulfilled the certification requirements has performed or approved such activities and such approval is posted at the site of the activity on forms to be provided by the council for that purpose. Any such certification shall be valid so long as the designated partner, officer, or full-time employee is associated with the certificant or until the certificate otherwise expires.

(2) The provisions of paragraph (1) of this subsection notwithstanding, the pump contracting activities of the partners, officers, and employees of the individual who fulfilled the certification requirements shall continue to be authorized under a certificate which was valid at the time of the certificant's death for a period of 180 days following the date of such death.

(3) The provisions of this subsection shall not prohibit a person licensed as an electrical contractor, master plumber, or journeyman plumber under Chapter 14 of Title 43 from engaging in any business activities or practices within the scope of such license without being certified as a pump contractor.

(b) Any person who installs any pump on or in a water well in violation of any installation standards adopted by the council pursuant to subparagraph (a)(1)(A) of this Code section which violation causes or has the potential for causing contamination of ground water shall be subject to civil penalties as provided in Code Section 12-5-133.1.

§ 12-5-150. Conditions under which artesian wells must be tapped

The owner of any real property in this state on which any free-flowing artesian well is located or any person having immediate supervision over any real property in this state on which any free-flowing artesian well is located shall have any such artesian well tapped or shall otherwise stop the flow of any such well, except when in use, when the following conditions exist:

(1) When the flow of any such artesian well is greater than one inch in diameter; and

(2) When any such artesian well is located within a one-half-mile radius of any other free-flowing well.

§ 12-5-151. Wells on government property

In the event the State of Georgia or any agency thereof or any political subdivision of this state owns any real property affected by the provisions of Code Section 12-5-150, it shall be the duty of the person or persons having immediate supervision of such real property to comply with the requirements of Code Section 12-5-150 but the expenses involved in so complying shall be borne by the state agency or the political subdivision owning such real property, as the case may be.

§ 12-5-152. Applicability of part

This part shall not apply to any free-flowing artesian well which is in constant use for the purpose of watering and cooling livestock or for the purpose of supplying water to any public swimming pool.

§ 12-5-153. Penalty

It shall be the duty of any person owning or having supervision of any real property affected by this part to comply with the requirements of this part by not later than January 1, 1970. Any such person failing to comply with such requirements by such date shall be guilty of a misdemeanor. After such date, each day of continuing failure to comply with such requirements shall constitute a separate offense.

770-1-.01 Organization.

- (1) The Water Well Standards Advisory Council will be organized and constituted as stated in the Water Well Standards Act of 1985, O.C.G.A. 12-5-120, et seq.
- (2) The Council shall consist of eight members appointed in accordance with the Act.
- (3) The Council shall elect a Chairperson from among the members at the first meeting of the Council held in each calendar year or by a vote of the Council whenever a vacancy exists.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Organization" adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule of same title adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-1-.02 Administrative Agent.

The Director or the Director's designee shall act as the administrative agent for the Council and shall perform such duties as may be prescribed by the Council or by law.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Joint Secretary" adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule entitled "Administrative Agent" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-1-.03 Meetings.

The Council shall meet at least three (3) times a year to carry out regular business. The Chairperson or the Director may call additional regular or special meetings as necessary. Notice of the meeting shall be given to all members at least ten (10) days prior to the date of the meeting.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Meetings" adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule of same title adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-1-.04 Order of Business.

The order of business shall be as follows:

- (a) the Chairperson shall call the meeting to order; or if the Chairperson is not present the quorum council shall choose a temporary chairperson from the attendees to conduct the meeting;
- (b) quorum check, four (4) members shall constitute a quorum;
- (c) approval of minutes of previous meeting;
- (d) correspondence;
- (e) reports of Director including inspections and enforcement actions;
- (f) reports of committees;
- (g) unfinished business;
- (h) new business;
- (i) review and approval of test scores;
- (j) consideration of applications for approval;
- (k) announcements;
- (l) adjournment.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Order of Business" adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule of same title adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-2-.01 Definitions.

All terms used in these rules shall be interpreted in accordance with the definitions set forth in the Water Well Standards Act of 1985, or as herein defined.

- (a) "Act" means the Water Well Standards Act of 1985.
- (b) "Certificate" means a document certifying that a person has met the requirements of the Water Well Standards Act and the Rules of the Council for "Pump Installation", as defined herein, and is authorized by the Council to legally engage in business as a Pump Contractor.
- (c) "Construction" means all acts necessary to construct or repair a water well regulated under the Act (O.C.G.A. 12-5-120 through 12-5-138), including locating and drilling and the installation, removal or service of pumps and pumping equipment on or in water wells.
- (d) "Council" means the State Water Well Standards Advisory Council.
- (e) "Director" means the Director of the Environmental Protection Division of the Georgia Department of Natural Resources.
- (f) "Division" means the Environmental Protection Division of the Department of Natural Resources, State of Georgia.
- (g) "Driller", for the purpose of licensing as a Water Well Contractor, means any person who engages in water well drilling and drilling operations and the installation, removal or service of pumps and pumping equipment. "Driller" shall not include a person who only installs, removes, and services pumps and pumping equipment.
- (h) "License" means a document verifying that a person has met the requirements of the Water Well Standards Act and the Rules of the Council for constructing water wells and is authorized by the Council to legally engage in business as a Water Well Contractor.
- (i) "Pump Contractor" or "Pump Installer" means any person engaging in the business of installing, removing or servicing pumps and pumping equipment on or in water wells regulated under the Act (O.C.G.A. 12-5-120 through 12-5-138). "Pump Contractor" or "Pump Installer" shall not include a person who also constructs water wells as a driller, well driller, drilling contractor or water well contractor.
- (j) "Pump Installation" means all acts necessary to install, remove, and or service water well pumps onsite.
- (k) "Water Well Contractor" means any person engaging in the construction of water wells and installing, removing or servicing water well pumps and pumping equipment. "Water Well Contractor" shall not include a person who only installs, removes, or services pumps and pumping equipment.
- (l) "Well Driller" or "Drilling Contractor" for the purpose of licensing as a water well contractor, means any person engaging in the construction of water wells and installing, removing or servicing pumps and pumping equipment. "Well Driller" or "Drilling Contractor" shall not include a person who only installs, removes or services pumps and pumping equipment on or in water wells.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Definitions" adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule of same title adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.

Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-3-.01 Applications.

(1) Any person desiring to engage in the business of water well construction or the business of pump installation in Georgia shall apply to the Council for a license as a water well contractor or a certificate as a pump contractor, respectively, in accordance with these Rules (770-1 to 770-8).

(2) A water well contractors license is not required for a person who constructs a well on his/her own or leased property intended for use only in a single-family house which is his/her permanent residence or intended for use only for farming purposes on his/her farm, which well produces less than 25,000 gallons per day, so long as the waters to be produced are not intended for use by the public or in any residence other than his/her own. However, a person is prohibited from drilling a well or wells on property he or she owns and is developing for resale unless such person has a license as a water well contractor.

(3) A pump contractor certificate is not required for a person who installs, removes or services a pump on his/her own or leased property intended for use only in a single-family house which is his/her permanent residence or intended for use only for farming purposes for a well that produces less than 25,000 gallons per day, so long as the waters to be produced are not intended for use by the public or in any residence other than his/her own. However, a person is prohibited from installing, removing or servicing a pump or pumping equipment on property he or she owns and is developing for resale unless such person is licensed as a water well contractor or certified as a pump contractor in Georgia.

(4) An applicant for a license as a water well contractor shall be required to have two (2) years' experience working in the water well construction business under a licensed water well contractor and shall be required to pass an examination administered by the Council. An applicant for a certificate as a pump contractor shall be required to have two (2) years' experience working in the pump installation business under a certified pump contractor, and shall be required to pass an examination administered by the Council. The applicant shall list the experience on the application including the names and addresses of the water well contractors or pump contractors from whom the experience was gained and any other references, and such other information as may be required by these rules or the Council.

(5) Satisfactory proof of two (2) years' experience shall be made by the following:

(a) By presenting certified affidavits that the applicant has had at least two (2) years of full-time experience from one or more licensed water well contractors if applying for a water well license, or presenting certified affidavits from one or more certified pump contractors if applying for a pump contractors certificate.

(b) If the required experience was obtained under two (2) or more licensed water well contractors or certified pump contractors, then a certified affidavit specifying exact dates of such experience shall be required from each licensed or certified contractor.

(c) The Council may require the applicant and the contractors who swear to such affidavits to appear before the Council to discuss the applicant's qualifications.

(d) In lieu of the method described above, an applicant may present other proof satisfactory to the Council of two (2) years' experience.

(6) Persons who can document that they have been in the business of installing, removing or servicing pumps and pumping equipment prior to December 31, 2003 may be granted a pump contractors certificate by paying the appropriate fees, but without any requirement to pass any type of test.

(7) All applications for licensing and certification shall be submitted to the Director on forms approved and furnished by the Council.

(8) An application will not be accepted for filing unless the application is complete and is accompanied by the required fee(s).

(9) The application fee shall be set by the Council. Check or money order shall be made payable to the Water Well Standards Advisory Council. An examination fee, set by the Council, must also be included with the application.

(10) An applicant for a water well contractor license or pump contractor certificate shall submit to the Director: 1. a performance bond payable to the Director and issued by an insurance company authorized to issue such bonds in this state; or 2. an irrevocable letter of credit issued in favor of and payable to the Director from a commercial bank or other financial institution approved by the Director. The amount of the bond and irrevocable letter of credit for a water well contractor shall be set by the Director in an amount not to exceed \$75,000. The amount of the bond or irrevocable letter of credit for a pump contractor may be less but shall not exceed the amount of the bond or irrevocable letter of credit for a water well contractor.

(11) If a business has more than one water well contractor or pump contractor, that business, in lieu of obtaining bonds or irrevocable letters of credit for each individual licensee or certificate holder, may substitute a blanket bond or blanket irrevocable letter of credit for all water well contractors or pump contractors within that business. The blanket bond or blanket irrevocable letter of credit for a water well contractor shall be payable to the Director in an amount not to exceed \$75,000. The blanket bond or blanket irrevocable letter of credit for a pump contractor shall be payable to the Director in an amount not to exceed that required of a water well contractor, and may be less.

(12) The Council shall not approve an application or issue any new license or certificate or renew any old license or certificate prior to the Director or the Director's designee receiving an acceptable bond or irrevocable letter of credit.

(13) The Council shall, by majority vote of the quorum, approve or deny an application.

(14) Notice will be given to an applicant, by first class mail, of the Council's action approving or denying an application.

(15) An applicant approved for admission to an examination will be notified by first-class mail of the place and time of the examination.

(16) The Council may deny an application under this Rule for, but not limited to, insufficient information regarding experience in the water well construction or pump installation business or lack of other information the Council deems necessary to evaluate the experience and qualifications of the applicant.

(17) An applicant whose application has been denied shall be notified by first-class mail, by the Council, within twenty (20) days of such denial. The Council shall state the reason(s) for the denial in the letter. The applicant shall have the right to appeal to the Council any denial, in accordance with the Georgia Administrative Procedure Act, O.C.G.A. 50-13-1, et seq.

(18) Any person whose application has been denied may request in writing to the Council, within thirty (30) days of receipt of the letter of denial, an informal conference before the Council, for the purpose of explaining, but not supplementing, the application. Based on the person's explanation, the Council may reconsider the denial.

(19) An applicant whose application has been denied may thereafter file a new application at any time unless the Council imposes a period of deferment on the filing of a new application. The new application may be filed as either an original application or in the form of a supplement to the prior application. In either case, the application fee shall accompany the new application; however, no application fee shall be required of an applicant who files a new application or files

a supplement to his original application under this provision within one year of the date of the denial of his original application.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled “Experience” adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule entitled “Applications” adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Amended:** F. June 3, 1998; eff. June 23, 1998. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-3-.02 Examinations.

- (1) Examinations shall be given in a manner, time and place prescribed by the Council. Each examination shall be monitored by such person(s) as may be designated by the Council, or by one or more members of the Council. No persons, other than members of the Council, monitors, and examinees will be permitted in the room while the examination is being administered.
- (2) The examinations shall relate to the applicant’s knowledge of ground water, water well construction, pump installation, and the general content of these Rules and the Act as appropriate.
- (3) Written examinations for water well contractors shall be prepared by the Council or by persons approved by the Council who are trained in the disciplines, professions, or trades related to the water well construction fields.
- (4) The examinations for a license for a water well contractor may be written, oral or practical work, or any combination of the three, as determined by the Council.
- (5) The examination for a certificate for a pump contractor may be a National Ground Water Association pump installation written test, other suitable written test, or an oral test administered by members of the Council at any Council meeting.
- (6) The passing grade for any examination or combination of examinations taken by the applicant shall be seventy (70) percent.
- (7) The Council may appoint one or more qualified persons to make an appraisal of the written examination and assign the final grades.
- (8) No name shall appear on any written examination paper. An identification number shall be assigned by chance to each applicant, and that number shall be placed on each sheet of the written examination. The correlation between names and identification numbers shall not be inquired into by any appraiser or member of the Council until after the final grade has been assigned to each set of written examination answers.
- (9) Any oral or practical examination or combination of examinations shall be given before one (1) or more members of the Council, or such persons as may be designated by the Council, who will individually grade the applicant; the average of the grades shall be the final grade.
- (10) The grade scored by each examinee upon the written portion of the examination shall be posted upon the examinee's application form, which shall then become a record of the Council. Upon completion of the grading of all examinations required by the Council, each examinee will be notified by first-class mail, sent to the address appearing on the application, that the applicant either passed or failed the examination. All written answers submitted by the examinees will be kept by the Council for 30 months after the examination and then destroyed.
- (11) A person failing the examination or combination of examinations required by the Council may apply for re-examination. A re-examination fee, set by the Council, must accompany the request for a re-examination.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled “Satisfactory Proof of Experience” adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule entitled “Examinations” adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Amended:** F. June 3, 1998; eff. June 23, 1998. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-4-.01 Fees.

All applicable fees for water well and pump contractors, including but not limited to fees for license and certificate application, license and certificate by reciprocity, examinations, restorations and duplicate copy of license and certificate, shall be set by the Council. However, water well contractor license renewal fees shall be set by the Division and pump contractor certificate renewal fees shall be set by the Council.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled “Applications” adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule entitled “Fees” adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Amended:** F. June 3, 1998; eff. June 23, 1998. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-5-.01 Qualifications.

(1) Upon qualification of the applicant by the Council, the applicant shall be issued a license or certificate, as appropriate, in a form approved by the Council.

(2) Notwithstanding any other provisions of law, a person licensed as a water well contractor pursuant to Code Section 12-5-127 or certified as a pump contractor pursuant to Code Section 12-5-138 is not required to be licensed or certified under Chapter 14 of Title 43, when in the course of constructing a water well, he or she makes certain electrical or plumbing connections or performs other electrical or plumbing work incidental to the drilling and construction of the well; provided, however, that any such electrical and plumbing work meets or exceeds all applicable local, state, or federal codes, whichever are most stringent.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled “Fees” adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule entitled “Qualification” adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-5-.02 Expiration of License and Certificate.

All licenses and certificates expire biennially on the 30th day of June.

Authority. O.C.G.A. Secs. 12-5-120 et seq. **History.** Original Rule entitled “Expiration of License” adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule entitled “Expiration of License and Certificate” adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-5-.03 Renewal.

Renewal of a water well contractor license must be accompanied by a renewal fee of the amount set by the Division, but not to exceed \$400 per renewal period. Renewal of a pump contractor certificate must be accompanied by a renewal fee of the amount set by the Council, but not exceeding the fee for a licensed water well contractor.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled “Renewal” adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Amended:** F. June 3, 1998; eff. June 23, 1998. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-5-.04 Penalty.

(1) A licensee or certificate holder whose license or certificate has expired may have such license or certificate restored by applying for a water well contractor license or pump contractor certificate in accordance with Chapter 770-3 of these rules and payment of a restoration fee in the amount established by the Council.

(2) A water well contractor or pump contractor, to maintain a valid license or certificate, must have in force an up-to-date performance bond or irrevocable letter of credit in the amount determined by the Director. Failure to maintain such bond or letter of credit shall result in the termination or revocation of any license or certificate dependent thereon.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Penalty" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-5-.05 Rig and Commercial Vehicle Identification.

All rigs and commercial vehicles used by licensed water well contractors or certified pump contractors in well construction and/or pump installation operations shall be permanently and prominently marked on each side of the rigs or vehicles for identification with name of the person, firm or corporation, and letters "GA Lic." and/or "GA Cert." as appropriate with the water well contractor's license number or pump contractor's certificate number. The letters and numerals shall be bold in print, on a background of contrasting color, and not less than two (2) inches in height.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Rig and Commercial Vehicle Identification" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-5-.07 Duplicate License and Certificate.

A new license or certificate to replace any lost, destroyed, or mutilated license or certificate will be issued by the Council upon their approval of a written request from the licensee or certificate holder and a payment of a fee to be established by the Council.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Duplicate License" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule entitled "Duplicate License and Certificate" adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-5-.08 Water Well Construction Activities.

Any person in a water well construction business who has been granted a license by the Council shall be responsible for water well construction activities performed or approved by such person. Any approved activity by the licensee shall be posted at the site of the activity on forms provided by the Council.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Water Well Construction Activities" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-6-.01 License and Certificate by Reciprocity.

- (1) Any person requesting licensing or certification by reciprocity shall complete and submit an approved application form and performance bond or irrevocable letter of credit accompanied by an application fee of an amount determined by the Council.
- (2) The application shall be accompanied by the original or notarized copy of the applicant's valid water well contractor's license, the pump contractor's certificate, or equivalent, issued by another state, territory, or possession of the United States.
- (3) Reciprocity privileges are granted to water well contractors or pump contractors holding a valid license or certificate from outside the State of Georgia only when the standards of licensing or certification are not less than those of Georgia and reciprocal privileges are granted to licensed water well contractors or pump contractors of Georgia.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Qualification" adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule entitled "License by Reciprocity" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule entitled "License and Certificate by Reciprocity" adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-7-.01 Suspension and Revocation.

The Council shall suspend or revoke a license or certificate upon a finding of one or more of the following grounds:

- (a) material misstatement in the application for license or certificate;
- (b) willful disregard or violation of Water Well Standards Act of 1985 O.C.G.A. 12-5-120, et seq., or any law and rules of the State of Georgia relating to wells, including any violation of standards or rules adopted pursuant to this Act;
- (c) willfully aiding or abetting another in the violation of Water Well Standards Act of 1985, O.C.G.A. 12-5-120, et seq., or any law of the State of Georgia relating to wells;
- (d) incompetency in the performance of the work of a water well contractor or pump contractor;
- (e) making substantial misrepresentations or false promises in connection with the occupation of a water well contractor or pump contractor;
- (f) failure to provide and maintain on file at all times with the Director a valid performance bond or irrevocable letter of credit;
- (g) that reasonable care, judgment or the application of the well driller's or pump contractor's knowledge or ability was not used in the performance of the well driller's or pump contractor's duties, or that the well driller or pump contractor is unable to properly perform his/her duties;
- (h) allows an unlicensed driller or an uncertified pump contractor to use or to work under a licensed driller's license or a certified pump contractor's certificate, respectively, in any way. However, this shall not apply to any employee, licensed driller, or certified pump contractor who receives only a salary or hourly wage, or to a bona fide business partner;
- (i) a licensee or certificate holder fails to comply with a Director's Notice to Correct and does not request a hearing to be conducted in accordance with the Georgia Administrative Procedures Act (O.C.G.A. 50-13-1, et seq.).

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "License by Reciprocity" adopted. F. July 13, 1978; eff. Aug. 2, 1978. **Repealed:** New Rule entitled "Suspension and Revocation" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-7-.02 Written Complaints, Hearings.

- (1) The Council shall consider suspension or revocation of a license or certificate only upon receiving a signed, written complaint that the licensee or certificate holder in question has violated any one or more of the acts stated in Section .01 of this Chapter. Such complaint must be filed with the Council within two (2) years from the completion of the well or within one (1) year from the completion of the pump installation.
- (2) The Council may either dismiss a complaint against a licensee or certificate holder based upon the written facts presented to the Council by the complaint, or inform the license or certificate holder of the complaint and allow ten (10) days for a response. During this ten (10) day period if the license or certificate holder satisfies the complaint, no further action will be required of the Council.
- (3) If the complaint is not satisfied within the ten (10) day period, the Council will request the Director to make an inspection of the complaint and make such other inspections as provided in subsection (b) of Code Section 12-5-136.
- (4) Following a review of the results of an inspection of a complaint against a licensee or certificate holder, the Council shall either dismiss the complaint, have the Director issue a Notice to Correct if a violation was found, or call a hearing to be conducted in accordance with the Georgia Administrative Procedure Act, O.C.G.A. 50-13-1, et seq.
- (5) As part of a Notice to Correct, the licensee or certificate holder shall be notified of the repairs necessary to correct the complaint and shall be given thirty (30) days to make such repairs. If the licensee or certificate holder makes the identified repairs to the satisfaction of the Council and so notifies the Division by certified mail, then the complaint shall be dismissed. If the repairs identified in the Notice to Correct are not made within thirty (30) days, the Council may request that the Director place a demand on the licensee or certificate holder's bond or irrevocable letter of credit. The Director, however, may use the proceeds from such bond or irrevocable letter of credit to contract with another licensee or certificate holder to perform the necessary repairs.
- (6) If a licensee or certificate holder contends that the Director's Notice to Correct is inappropriate, and the Council agrees to accept the Director's Notice to Correct, the licensee or certificate holder may also request a hearing to be conducted in accordance with the Georgia Administrative Procedures Act (O.C.G.A. 50-13-1, et seq.). Such a request for a hearing shall be within thirty (30) days of the date of the Director's Notice to Correct.
- (7) The licensee or certificate holder against whom a complaint is filed with the Council shall be notified in writing by certified mail at least twenty (20) days before the date of a hearing. The licensee or certificate holder shall be given notice of the date, time and place of the hearing, together with a copy of the complaint and any other relevant material filed against such person.
- (8) Following a review of the proceedings of a hearing on a complaint against a licensee or certificate holder, the Council shall either dismiss the complaint or at its discretion, suspend or revoke the license or certificate of the person against whom the complaint is filed or may allow such person a reasonable time in which to meet and correct the complaint of the objecting party.
- (9) Any person whose license or certificate is expired, suspended or revoked or otherwise rendered invalid or ineffective shall not perform the duties of a water well contractor or pump contractor in the State of Georgia.
- (10) The licensee or certificate holder shall have the right to appeal any decision by the Council regarding a complaint in accordance with the Georgia Administrative Procedures Act (O.C.G.A. 50-13-1, et seq.).

(11) The Council, by majority vote of the quorum, may reissue a license or certificate to any person whose license or certificate has been revoked upon written application to the Council by the applicant, showing good cause to justify such reissuance.

Authority. O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Written Complaints" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

770-8-.01 Continuing Education.

(1) All persons seeking renewal of licenses are required to complete at least four (4) hours of continuing education annually.

(a) In order to receive a license renewal, each driller shall provide evidence to the Council that the requisite hours of approved continuing education courses or programs have been received.

(b) In order to be acceptable for license renewal, continuing education courses or programs shall have been received by the licensee during the period two (2) years prior to license renewal date. However, courses or programs received between July 1, 1995 and June 30, 1998 shall qualify for license renewal on June 30, 1999.

(2) Only courses or programs designated or approved by the Council shall be acceptable for license renewal.

(a) The Water Well Standards Advisory Council (Council) may provide courses or designate those courses offered by the Georgia Department of Natural Resources, Environmental Protection Division, institutions of higher learning, vocational-technical schools, and trade, technical, or professional organizations which are relevant. Continuing education courses or programs related to water well construction or standards conducted by public utilities, equipment manufacturers, or institutions under the State Board of Technical and Adult Education shall constitute acceptable continuing professional education programs for the purposes of this subsection.

(b) Persons teaching courses or programs offered by entities, other than those in 770-8-0.1(2) (a), shall be approved by the Council if they provide written evidence of satisfactory qualification to the Council. Qualifications shall be based on:

1. Professional certification or licensure to practice in the field(s) or profession(s) covered by the course(s) taught; or
2. Significant education, training and experience in the field(s) or profession(s) covered by the course(s) taught; or
3. A combination of 1. and 2. above.

(c) Approval of a course(s) or program(s) shall be issued by the Council before the course or program is offered, based on a written request of the entity offering the course(s) or program(s). The request shall provide a detailed narrative describing the course(s) or program(s) to be offered and the qualifications of the instructor(s).

(d) Approval of a course shall be valid for a period of one year and shall be automatically renewed from year to year unless the Council issues notice of the expiration of the approval for such course at least 30 days prior to the end of the last period for which the course is approved. In such event, approval of the course shall expire or terminate at the end of the then-current period of approval.

(e) Qualifying continuing education courses or programs shall be in the areas of safety, environmental protection, ground-water geology, technological advances, business management, or government regulation.

(f) Courses or programs conducted by manufacturers specifically to promote their products shall not be approved.

(g) Continuing education courses shall be designed for water well contractors having variable educational backgrounds.

(3) Upon application by the licensee, the Council may waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the Council deems appropriate.

Authority. Ga. L. 1977, p. 1509 (Ga. Code Ann. Sec. 84-7506)., O.C.G.A. Sec. 12-5-120 et seq. **History.** Original Rule entitled "Suspension and Revocation" was filed on July 13, 1978; effective August 2, 1978.

Amended: Rule repealed. Filed March 19, 1987; effective April 8, 1987. **Amended:** New Rule entitled "Continuing Education" adopted. F. Jun. 3, 1998; eff. Jun. 23, 1998.